

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHYSICAL THERAPY

Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 586.)

[R12-12]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 24, Board of Physical Therapy
Article and its heading: 1, General Provisions; 2, Licensing Provisions; 3, Practice of Physical Therapy; and 5, Public Participation Procedures
Section numbers: R4-24-107, R4-24-208, R4-24-302, R4-24-308, R4-24-312, and R4-24-502 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
The legislature recently added A.R.S. §§ 32-2031 and 32-2032 to the Board's organic statutes. These statutes require the Board to place the license of a physical therapist or the certificate of a physical therapist assistant on retired or inactive status under certain specified conditions. The statutes require that the renewal fee be waived for a person on retired status and authorizes the Board to establish a new fee for renewal of an inactive license or certificate. The statutes require that the continuing competence requirements be waived for a licensee on retired or inactive status. The legislature also amended A.R.S. § 32-2042 regarding use of titles to require that a person on retired status include that information in the person's title. The Board is amending rules to incorporate the new legislative provisions. The Board is also amending R4-24-208 and R4-24-312 to make needed changes identified in the five-year-review report approved by Council on September 1, 2009.
The Board is proceeding with this rulemaking based on an interpretation of the Governor's rulemaking moratorium provided by Steve Killian, Assistant Policy Advisor to the Governor.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 18 A.A.R. 573, February 24, 2012 (*in this issue*)
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Charles D. Brown, Executive Director
Address: Board of Physical Therapy
4205 N. 7th Ave., Suite 208
Phoenix, AZ 85013
Telephone: (602) 274-0236
Fax: (602) 274-1378
E-mail: Charles.brown@ptboard.az.gov
Web site: www.ptboard.az.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Notice of Proposed Rulemaking: 18 A.A.R. 573, February 24, 2012 (*in this issue*)

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 586.) The Governor's Office authorized the notice to proceed through the rulemaking process on November 3, 2011.

[R12-13]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 10, Department of Health Services – Health Care Institutions: Licensing
Articles and their headings: 9, Nursing Care Institutions
Section numbers: R9-10-905, R9-10-912, R9-10-920, and R9-10-921 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

In 2003, the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) permitted long-term care facilities to use paid feeding assistants, as defined in 42 CFR 488.301, in states with state-approved paid feeding assistants training programs. Arizona Revised Statutes (A.R.S.) § 36-413 authorizes the Department to make rules setting standards and regulating training programs for “nutrition and feeding assistants” (NFAs) in Department-licensed “skilled nursing facilities.” These facilities are classified under A.R.S. § 36-405(B) as “nursing care institutions.” Under A.R.S. § 36-413(C), a nursing care institution with a training program for NFAs must comply with NFAs training programs rules. The Arizona Department of Health Services (Department) licenses and regulates Arizona’s nursing care institutions under 9 A.A.C. 10, Articles 1 and 9.

The Department is making NFAs training programs rules in R9-10-920 and R9-10-921 and may amend other rules in 9 A.A.C. 10, Article 9 where necessary to allow the use of NFAs in nursing care institutions. If a nursing care institution chooses to use NFAs, the nursing care institution, through the director of nursing, is responsible for ensuring that its NFAs training program meets or exceeds the standards provided in the Department’s rules.

The Department received an exception from the Governor’s rulemaking moratorium, established by Executive Order 2011-05, to amend the rules. The proposed amendments will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

The agency docket number:

RE-002-12

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Richard Young, Bureau Chief
Address: Department of Health Services
Bureau of Long Term Care Licensing
150 N. 18th Ave., Suite 440
Phoenix, AZ 85007

Telephone: (602) 364-2675
Fax: (602) 364-4765
E-mail: Richard.Young@azdhs.gov

or

Name: Thomas Salow, Manager
Address: Department of Health Services
Office of Administrative Counsel and Rules
1740 W. Adams St., Suite 203
Phoenix, AZ 85007

Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Thomas.Salow@azdhs.gov

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5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted at the addresses listed in item 4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking